IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

No. 7:04-CR-00043-F-1
No. 7:16-CV-00380-F

MARCUS O'NEAL SMITH,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

Having examined Petitioner's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to Petitioner's § 2255 motion [DE-50] within **forty (40)** days of the filing of this order.

SO ORDERED.

This <u>//</u> day of November, 2016.

JAMES C. FOX SENIOR UNITED STATES DISTRICT JUDGE